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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 8002-073 Total Pages 67

First Named Inventor or Application Identifier

David G. Bermudes

Express Mail Label No. EL 477 034 219 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form
Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 56]
(preferred arrangement set forth below)
-Table of Contents
-Descriptive title of the Invention
-Cross Reference to Related Applications
-Statement Regarding Fed sponsored R&D
-Reference to Microfiche Appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description of the Invention (including drawings, if filed)
-Claim(s)
-Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 7]
5. ☒ Oath or Declaration [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 19 completed)
i. ☐ DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Copy
b. ☐ Paper Copy (identical to computer copy)
c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement ☐ Copies of IDS
(IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i)
Applicant must attach form PTO/SB/35 or it's equivalent
17. ☒ Other: Request for Continuation Application under Rule 53(b)

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/645,418 filed August 24, 2000, which is incorporated by reference in its entirety.

19. CORRESPONDENCE ADDRESS

Customer Number:



20583

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

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ADDRESS

CITY

STATE

ZIP CODE

COUNTRY

TELEPHONE

FAX

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner B. LoebArt Unit 1636

Assistant Commissioner for Patents
 Box PATENT APPLICATION
 Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/645,418 filed on August 24, 2000.

of David G. Bermudes, Ivan C. King, and Caroline A. Clairmont
 (inventor(s) currently of record in prior application)

for COMPOSITIONS AND METHODS FOR DELIVERY OF AN AGENT USING ATTENUATED
SALMONELLA CONTAINING PHAGE
 (title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	30	-20	10	\$18.00 each	\$ 0.00
Independent	8	-3	5	\$84.00 each	\$ 0.00
Basic Fee					\$ 0.00
Multiple Dependency Fee If Applicable (\$280.00)					\$ 0.00
Total					\$ 0.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 0.00
Total Filing Fee					\$ 0.00

2. ☒ Small Entity Status is still appropriate and desired for the present application.
3. ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation, division, of application no. , filed .
- 4a. ☐ New formal drawings are enclosed.

- 4b. ☒ Informal drawings are enclosed.
- 5a. ☒ Priority of application no. 60/150,928 filed on August 26, 1999 is claimed under 35 U.S.C. §119(e).
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Vion Pharmaceuticals, Inc. at Reel 011271, Frame 0231
- 7a. ☒ A copy of the Power of Attorney filed in prior application no. 09/645,418, filed August 24, 2000 is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☒ A Petition for Extension of Time for Response for three months from November 14, 2001 to February 14, 2002 is concurrently filed in Application Serial No. 09/645,418, filed August 24, 2000, to which the present application claims priority, in order to maintain co-pendency of the applications.

Respectfully submitted,

Date February 13, 2002

Geraldine F. Baldwin
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by H. Sullivan
31,232
(Reg. No.)

REG NO
40,203